Remarks

Claims 1-7 were canceled in a Preliminary Amendment. Claims 15 and 22 were canceled in a previous amendment. Claims 8-14, 16-21, and 23-27 remain pending in the Application and have been rejected by the Examiner.

On page 3 of the Office Action, the Examiner rejected Claims 8-14, 16-21, and 23-27 under 35 U.S.C. 103(a) as being unpatentable under Modic in view of De Keyzer et al. and Prost. Applicant has amended each claim to overcome the Examiner's rejection. Specifically, each claim now requires the presence of some amount above zero of polycarbonate. In view of the fact that each independent claim has specifically called for polycarbonate, and noting that none of the references discloses polycarbonate, it is submitted that this rejection fails and the application is now in proper form for allowance.

On page 4 of the Office Action, the Examiner rejects Claims 8-14, 16-21, and 23-27 under 35 U.S.C. 103(a) as being unpatentable over Shibata et al. in view of Huff. Shibata discloses and teaches a polymer that provides improved impact resistance, paitability, adhesion, and flexibility. Shibata does not teach overmolding. Huff discloses overmolding of an elastomer onto a nylon article (an automotive radiator). Neither Shibata nor Huff disclose the use of polycarbonate. Since the independent claims now require polycarbonate as a mandatory ingredient, it is submitted that this rejection is no longer viable because Shibata in view of Huff does not render Applicant's invention obvious.

On page 4 of the Office Action, the Examiner rejects Claims 8-14, 16-21, and 23-27 under 35 U.S.C. 103(a) as being unpatentable over Nakashima et al. The Examiner argues that Claim 5 of Nakashima et al. allows for the addition of aramide fibers. The Examiner takes the position that these aramide fibers would be molded in the resin and thus that they are "overmolded." Nakashima et al. do not disclose or teach overmolding. In fact, Nakashima et al. are completely silent regarding overmolding. The Examiner's broad assertion that the aramide fibers would remain in fiber form when incorporated into the flame resistant polymer is

unfounded and does not appear to have any basis or support in the disclosure or teachings of Nakashima et al. Even if the fibers somehow remained in fiber form, it is possible that a space could develop around each fiber because they are, in fact, not overmolded in the resin. As Applicant has previously explained, this formation of space can happen when incompatible resins are mixed and particularly when attempting to incorporate small spherical-like particles into an incompatible resin. Void space usually results when such an incompatible mixture is attempted.

The Examiner claims that there is no evidence of why Nakashima et al. would "go through the trouble of using fiber form aramide fibers if the fiber form were destroyed during molding." However, it is not incumbent upon Applicant to explain the inadequacies of the prior art reference. Nakashima et al. have disclosed a procedure that may be inherently flawed, and it is sufficient that Applicant has addressed the flaw in the prior art. The Examiner further states that although there are no examples wherein all of Applicant's features are present in the combination, it would necessarily be obvious in the absence of any showing of surprising or unexpected results. There is no support in any case law for this position of the Examiner. Unexpected results are only useful when all the elements in the combination are present. If all the elements in a combination are present, but the result is not known, then the absence of unexpected results could be applied in a rejection. Otherwise, the prior art does not remove non-obviousness from an applicant's disclosure.

The Examiner comments that Applicant has not explained why claim 5 of Nakashima et al. is not supported by the specification. Applicant simply points out that the specification of Nakashima et al. does not seem to provide antecedent basis for the addition of aramide fibers to the polymeric composition. Regardless, Applicant respectfully points out that Nakashima et al. do not disclose polycarbonate. Applicant has amended its independent claims to require some amount of polycarbonate.

The Examiner maintains the argument that the melt flow rate claimed by Applicant is disclosed by the prior art, specifically Shibata. However, in contrast to Applicant's claim,

Shibata discloses melt flow rates that are not according to Condition L. Melt flow rates using conditions not in Condition L cannot be compared with one another and one cannot teach the other. The Examiner argues that since the melt flow rates are open ended they must overlap. However, even if this statement were true, it does not mean that the disclosure of the prior art, Shibata, discloses and teaches Applicant's invention. Further, it does not mean that Shibata's disclosure of melt flow rate renders Applicant's melt flow rates or invention obvious. Again, however, regardless of the melt flow rates, Applicant has amended the claims to require polycarbonate which is not taught in any of the prior art. As such, Applicant's invention is not obvious in view of the prior art.

Conclusion

In view of the amendments to the claims and the remarks, it is submitted that this application is now in condition for allowance, and such is earnestly solicited.

Respectfully submitted,

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